



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during November 2008
DISTRIBUTED: December 23, 2008

This report has been prepared to satisfy a statutory obligation DEP has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or Peter.J.Carney@Maine.gov for additional information regarding the activities listed in this report. The full text of most Administrative Consent Agreements is available on the Board of Environmental Protection's website at <http://www.maine.gov/dep/bep/agenda.htm>. If you are receiving this report via regular mail, but would prefer to receive an electronic version, please send an email to the above address with your contact information.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Administrative Consent Agreements Approved by the Board of Environmental Protection and Office of the Attorney General (party followed by location):

Air:

Casco Bay Motors, Yarmouth, Maine. Casco Bay Motors violated Maine's rule for *New Motor Vehicle Emission Standards* by selling a non-"California-Certified" vehicle in Maine. To resolve the violation, Casco Bay Motors paid \$2,891 as a civil monetary penalty.

Pleasant River Lumber Company, Dover-Foxcroft, Maine. Pleasant River Lumber Company ("Pleasant River") violated provisions of its Department-issued Air Emission License and the Department's rule for *Emission Statements* by failing to timely file annual air emission inventory reports for 2004, 2005, 2006 and 2007. In addition, Pleasant River violated provisions of its Department-issued Air Emission License and the Department's *Major and Minor Source Air Emission License Regulations* by failing to timely submit a license renewal application. To resolve the violations, Pleasant River paid \$2,500 as a civil monetary penalty.

Webber Tanks, Inc., Bucksport, Maine. Webber Tanks, Inc. ("Webber") violated provisions of its Department-issued Air Emission License and the Department's rule for *Emission Statements* by failing to timely file annual air emission inventory reports for 2005, 2006, and 2007. To resolve the violations, Pleasant River paid \$1,500 as a civil monetary penalty.

Land:

JEM Realty Enterprises, LLC, South Berwick, Maine. JEM Realty Enterprises, LLC ("JEM") violated provisions of Maine's *Natural Resources Protection Act* by removing vegetation in a significant wildlife habitat, specifically a vernal pool, without first obtaining a permit from the Department. Following Department involvement, JEM submitted an after-the-fact permit by rule application which was approved by the Department. To resolve the violation, JEM agreed to revegetate disturbed areas in accordance with the Department-issued permit and paid \$1,702 as a civil monetary penalty.

Charles T. Knowles, IV, Eliot, Maine. Charles T. Knowles, IV ("Knowles") violated provisions of Maine's *Natural Resources Protection Act* by placing, or causing to be placed, fill material in a freshwater wetland, and by removing, or causing to be removed, vegetation in a freshwater wetland. In addition, Knowles violated Maine's *Erosion and Sedimentation Control* law by filling, displacing, or exposing soil without first taking measures to prevent unreasonable erosion or sediment beyond the project site or into a protected natural resource. To resolve the violations, Knowles agreed to remove the fill material to the preexisting wetland grade, revegetate the wetland, and paid \$3,730 as a civil monetary penalty.

M.W. Sewall & Co., West Bath, Maine. M.W. Sewall & Co. ("M.W. Sewall") violated provisions of Maine's *Natural Resources Protection Act* by disturbing soils and constructing a permanent structure adjacent to a brook



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without first obtaining permits from the Department, Maine's *Water Pollution Control* law by discharging soil to waters of the State without first obtaining a permit from the Department, Maine's *Erosion and Sedimentation Control* law by filling, displacing, or exposing soil without first taking measures to prevent unreasonable erosion or sediment beyond the project site or into a protected natural resource, and Maine's *Stormwater Management* law by starting construction of a project that includes one acre or more of disturbed area without first obtaining a permit from the Department. Specifically, M.W. Sewall disturbed soils and constructed a structure within seventy-five feet of Long Cove Brook and began the construction of a subdivision without first obtaining permits from the Department. Following Department involvement, M.W. Sewall submitted an after-the-fact permit by rule notification for the construction of a single family residence within seventy-five feet of Long Cove Brook, which was approved by the Department, and installed erosion controls. To resolve the violations, M.W. Sewall agreed to permanently stabilize all exposed soils on the site, remove discharged sediment adjacent to and in Long Cove Brook, submit an after-the-fact Stormwater Management permit application and, if the application is approved, comply with the terms of the permit or, if the permit is denied, returned, or withdrawn, submit a restoration plan to the Department to restore the project site such that it includes less than one acre of new impervious area, and paid \$6,247 as a civil monetary penalty.

Mining:

Vaughn Thibodeau and Sons, Inc., Hampden, Maine. Vaughn Thibodeau and Sons, Inc. ("Thibodeau") violated provisions of Maine's *Performance Standards for Quarries* by excavating rock from below the high water table in an area approximately 0.2 acres in size without first obtaining a variance from the Department. To resolve the violation, Thibodeau agreed to cease rock mining below the water table, obtain a variance from the Department prior to conducting any future mining below the water table, and paid \$7,523 as a civil monetary penalty.

Hazardous Waste:

Modern Woodcrafts, LLC, Lewiston, Maine. Modern Woodcrafts, LLC ("Modern Woodcrafts") violated provisions of the *Maine Hazardous Waste, Septage and Solid Waste Management Act* and the Department's rules concerning *Standards for Generators of Hazardous Waste*. Specifically, Modern Woodcrafts failed to: determine if wastes generated were hazardous; treated hazardous waste without a license to do so; offered hazardous waste to a transporter not licensed to transport hazardous waste and offering hazardous waste to a waste facility not authorized or licensed to handle hazardous waste; accumulated hazardous waste for more than ninety days without a license to do so; failed to obtain a hazardous waste generator identification number prior to generating hazardous waste; failed to mark containers of hazardous waste with the words "Hazardous Waste" and the date upon which accumulation began; failed to keep containers of hazardous waste closed; failed to store ignitable hazardous waste at least fifty feet from property lines; failed to maintain a containment and collection system; failed to conduct and document daily inspections of hazardous waste containers; failed to store containers of hazardous waste in a manner that allows the unobstructed movement of personnel, fire equipment, spill control equipment, and decontamination equipment; failed to post required signage; failed to provide communications equipment; failed to provide and document a personnel training program for employees performing hazardous waste duties; failed to develop a contingency plan for emergencies related to hazardous waste management; and failed to establish written aid agreements for services provided by local police, fire departments, hospitals, and emergency response teams. Following Department involvement, Modern Woodcrafts shipped for disposal approximately 6,700 pounds of



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hazardous waste, acquired a hazardous waste identification number, and reimbursed the Department \$175 for hazardous waste sampling and analysis. In addition, Modern Woodcrafts submitted a written response indicating that it initiated corrective actions including: hiring an environmental consultant; ceasing the illegal treatment of hazardous waste; ensuring hazardous waste is shipped within ninety days; storing hazardous waste inside on a firm working surface over a containment system; labeling and closing of hazardous waste containers; conducting daily inspections of hazardous waste containers; providing communications in the hazardous waste storage area; and providing proper storage of hazardous waste containers. To resolve the violations, Modern Woodcrafts will pay \$81,349 as a civil monetary penalty.

York Marine, Inc., Rockland, Maine. York Marine, Inc. ("York Marine") violated provisions of the *Maine Hazardous Waste, Septage and Solid Waste Management Act* and the Department's rules concerning *Identification of Hazardous Wastes* and *Standards for Generators of Hazardous Waste*. Specifically, York Marine: discharged hazardous matter; failed to report and remove a discharge of hazardous matter; failed to determine if wastes generated were hazardous; treated hazardous waste without a license to do so; failed to obtain a hazardous waste generator identification number; failed to store hazardous waste on a firm impervious working surface; failed to conduct and document daily inspections of hazardous waste containers; failed to mark containers of hazardous waste with the words "Hazardous Waste," the date upon which accumulation began, and the date the container became full; failed to keep containers of hazardous waste closed; and failed to ensure hazardous wastes were not stored for more than 180 days. Following Department involvement, York Marine shipped 800 pounds of hazardous waste offsite and obtained a hazardous waste generator identification number. In addition, York Marine submitted a written response indicating that it initiated corrective actions including storing hazardous waste inside on a firm working surface over a containment system, labeling and closing of hazardous waste containers, and plans for shipping hazardous waste within 180 days. To resolve the violations, York Marine agreed to submit for Department review and approval a training plan and schedule that provides hazardous waste management training for all employees that handle or manage hazardous waste, conduct and document training for all employees that handle or manage hazardous waste, conduct on site sampling to determine if remediation of the areas where discharges of hazardous waste were observed is necessary, and, if necessary, submit a remedial action plan for Department review and approval, implement the plan and submit a detailed report of the remedial actions conducted at the site, submit monthly hazardous waste generation reports for a period of twelve months, and will pay \$24,000 as a civil monetary penalty.

Oil:

RJ Energy Services, Inc., Augusta, Maine. RJ Energy Services, Inc. ("RJ Energy") violated provisions of Maine's *Oil Discharge and Pollution Prevention* law causing the discharge of approximately 250 gallons of fuel oil due to improperly reinstalling or reassembling an oil filter associated with an aboveground oil storage tank, and failing to reimburse the Department for investigation and clean-up expenses. Department staff cleaned up the discharge and provided a negative pressure ventilation system to abate odor and potential indoor air quality hazards. To resolve the violations, RJ Energy agreed to submit for Department review and approval a written operating procedure for spill reporting and emergency response to be distributed to all RJ Energy staff, reimburse the Department's investigation and clean-up costs totaling \$8,419.76 including interest, and paid \$5,000 as a civil monetary penalty.